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Board Certified – Civil Trial Law

Texas Board of Legal Specialization

April 20, 2012

The Honorable Kenneth M. Hoyt  
United States District Judge  
United States Courthouse  
Courtroom No. 11A  
515 Rusk, 11th Floor, Room 11-144  
Houston, TX 77002

Re: Civil Action No. 4:09-cv-2825; *Noble Drilling Services, Inc. v. Certex USA, Inc., Bridon-American Corp., and Bridon International, Ltd.*; In the United States District Court for the Southern District of Texas, Houston Division

The Honorable Judge Hoyt:

In an effort to set forth a schedule to govern the various pre-trial matters, Noble Drilling Services, Inc., Certex USA, Inc., Bridon-American Corp., and Bridon International, Ltd. have agreed on the attached Scheduling Order and request that it be entered by the court.

However, Noble and Bridon do have a dispute over the Court's instructions at the March 5, 2012 Pre-Trial conference with respect to the parties' responsibilities to bring witnesses live to the trial.

Noble understands that the Court has the authority to and instructed the parties to bring a witness (under their control) live if the other party requests it.

Bridon understands the Court to have instructed that if one party intends to call one of its own witnesses live then the other party may call that witness live too, so as to avoid the same witness appearing both live and by deposition, and to economize the number of times any live witness must appear. Bridon did not understand the Court to be suggesting that one party can compel the appearance of another party's witnesses live at trial, by requesting them, when those witnesses live and work in foreign countries and have otherwise had their deposition taken in the case.

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The parties have, at this time, agreed to attempt to work through the issue, however, Noble wanted the Court to be aware of the disagreement. If the parties are unable to resolve this matter, the parties intend to brief the issue and seek the clarification from the Court.

Respectfully,

/s/ Lee M. Larkin

Lee M. Larkin

cc: All Counsel of Record, *via e-mail*